

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KEYVIEW LABS, INC. d/b/a
PROCERA HEALTH,

Plaintiff,

v.

Case No: 8:20-cv-2131-KKM-AEP

BENJAMIN BARGER, ICGOLD4ME,
L.L.C., and GOLD FOR LIFE, L.L.C.
d/b/a FOCUSGOLD, L.L.C.,

Defendants.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Anthony E. Porcelli's Report and Recommendation (Doc. 52), filed on December 22, 2020, recommending that Plaintiff KeyView Labs, Inc.'s Motion for Preliminary Injunction (Doc. 7) be denied. All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections under 28 U.S.C. § 636(b)(1). No objections were filed. Considering the record and Judge Porcelli's Report and Recommendation, the Court **ACCEPTS** and **ADOPTS** the Report and Recommendation and **DENIES** the Motion for Preliminary Injunction as set forth below.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1). If a party files a timely and specific objection to a finding of fact by the magistrate judge, the district court must conduct a de novo review with respect to that factual issue. *Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992). The district court reviews legal conclusions de novo, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019).

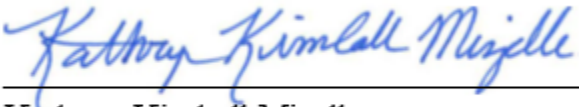
In the absence of any objection and after reviewing all legal conclusions de novo, the Court adopts the Report and Recommendation. Judge Porcelli held hearings on the Motion for Preliminary Injunction on October 14, 2020, and November 24, 2020, and he permitted both parties to submit supplemental briefing and evidence on the Motion. The Report and Recommendation thoroughly addresses the claims for preliminary injunctive relief, and the Court agrees with Judge Porcelli's detailed and well-reasoned findings of fact and conclusions of law.

Accordingly, it is now **ORDERED**:

(1) The **Report** and **Recommendation** (Doc. 52) is **ACCEPTED** and **ADOPTED** and is made a part of this Order for all purposes, including appellate review.

(2) KeyView Labs, Inc.'s Motion for Preliminary Injunction (Doc. 7) is
DENIED.

ORDERED in Tampa, Florida, on February 11, 2021.



Kathryn Kimball Mizelle
United States District Judge